IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 3189 of 2007(D)

PETITIONER:

SIVAKUMAR. P.P.,
S/O.LATE VELAYUDHAN NAIR, AGED 33,
`PADAPPAYIL', VILATHUR, THIRUVEGAPPARA,
PALAKKAD DISTRICT-679 304, PRESENTLY WORKING AS HSA IN GVHSS, KOPPAM.

BY ADV. SRI.G.KRISHNAKUMAR
SRI.S.RENJITH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, DEPARTMENT OF GENERAL
EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
CIVIL STATION, PALAKKAD.

3. M.V. RAJAN, S/O.A.GOPALAN NAIR,
AGED 35, LATHA NIVAS, MOOKANAD,
MALAPPURAM DISTRICT.

R1 & R2 BY GOVT. PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 3189 OF 2007 D

Dated this the 31st January, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner and third respondent were appointed as UPSA (Malayalam) in Palakkad District. Their rank in the Advice List is 7 and 120 respectively. Petitioner's service was regularised and his rank in the seniority list is shown as No.7. Second respondent, however, promoted third respondent by violating the seniority of petitioner. Case of petitioner is that he has filed representation and he was also promoted vide Ext.P4 order. He would submit that his grievance remained unredressed and without disposing of Exts.P5 and P6 representations, Ext.P8 order was issued re-allocating the post of petitioner due to abolition of the post of HSA (Malayalam) in the GVHSS, Koppam where the petitioner and his junior-most third respondent are working at present. Petitioner preferred Ext.P9 representation.

2. Heard the learned Government Pleader also. Without expressing any view on the merits of the matter and also leaving open the contentions of petitioner, the Writ Petition is disposed of directing first respondent to take a decision on Ext.P9 in accordance with law with notice to petitioner and third respondent within a period of three weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.